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67,108-017  
Bogdan 2-1-1-1

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Bogdan, Brian J.  
Serial Number: 10/648,909  
Filed: 08/27/2003  
Group Art Unit: 2193  
Examiner: Wood, William H.  
Title: FIRMWARE MANAGEMENT TOOL

**RESPONSE TO NOTICE OF ABANDONMENT**  
**REQUESTING WITHDRAWAL OF THE ABANDONMENT**

Mail Stop AF  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Notice of Abandonment dated November 19, 2008 for failure to timely pay the issue fee in response to the Notice of Allowance dated July 23, 2008, Applicant respectfully requests the abandonment to be withdrawn.

Applicant respectfully requests the Notice of Abandonment be withdrawn without cost to Applicant because Applicant never received the Notice of Allowance from the United States Patent and Trademark Office. Attached as **Appendix A** is a Declaration signed by Tracey Belanger, the Docketing Administrator from Carlson, Gaskey & Olds, stating that the Notice of Allowance was never received by Carlson, Gaskey & Olds. Ms. Belanger is responsible for handling all mail received from the United States Patent and Trademark Office and for docketing any corresponding due dates.

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A Non-Final Office Action was mailed to Applicant on December 21, 2007, and Applicant filed a Response to this action on March 20, 2008. As discussed above, Applicant did not receive any further correspondence from the United States Patent and Trademark Office for this application. Thus, Applicant requests that the abandonment be withdrawn.

I questioned Tracey Belanger to determine whether or not we had received the Notice of Allowance. She informed me that she had not received any correspondence from the United States Patent & Trademark Office for a Notice of Allowance in the subject application and that our docketing system did not have any Issue Fee due date for the subject application.

I personally searched the file jacket and my own docketing records. I did not find a copy of the Notice of Allowance dated July 23, 2008 in the file jacket. I also did not find any entry on my docket indicating that the issue fee was due for the above-referenced application.

On November 24, 2008, I obtained a copy of the Notice of Allowance dated July 23, 2008 on-line from PAIR.

Enclosed as **Appendix B** is a record of all docketing actions for our attorney docket number 67,108-017, which is our file for this application, printed on December 11, 2008. The last action received from the United States Patent and Trademark Office is the non-final office action mailed on December 21, 2007.

I, the undersigned attorney for Applicants, am the responsible, docketed attorney for this application. A Docket Report showing due dates for my matters pending at Carlson, Gaskey & Olds from July 1, 2008 to October 31, 2008 is also attached as **Appendix C**. As indicated in **Appendix C**, there is no issue fee due date for our file number 67,108-017 (i.e., this application) on October 23, 2008.

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It is believed that the above statements and evidence attached in Appendices A-C meet all of the requirements to establish non-receipt of an office communication.

If, however, the abandonment is held proper, Applicant hereby petitions for revival of this unintentionally abandoned application. The petition fee for reviving the unintentionally abandoned application may be charged to deposit account no. 50-1482 in the name of Carlson, Gaskey & Olds. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

Payment of the issue fee is being made by the submission that is filed concurrently with this paper. It is believed the above constitutes a complete response to the Notice of Allowance and that the conditional petition should be granted if needed to have this case revived.

Respectfully submitted,

CARLSON, GASKEY & OLDS

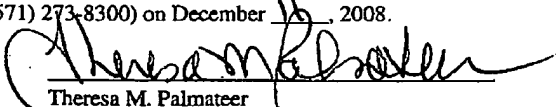
By: 

David J. Gaskey  
Registration No. 37,139  
400 W. Maple Rd., Ste. 350  
Birmingham, MI 48009  
(248) 988-8360

Dated: December 11, 2008

CERTIFICATE OF FACSIMILE

I hereby certify that this Response, relative to Application Serial No. 10/648,909 is being facsimile transmitted to the Patent and Trademark Office (Fax No. (571) 273-8300) on December 11, 2008.

  
Theresa M. Palmateer

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Bogdan, Brian J.  
Serial Number: 10/648,909  
Filed: 08/27/2003  
Group Art Unit: 2193  
Examiner: Wood, William H.  
Title: FIRMWARE MANAGEMENT TOOL

**DECLARATION**


Mail Stop AF  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

I, Tracey Belanger, am the Docketing Administrator for Carlson, Gaskey & Olds. My responsibilities include opening and docketing all mail received by Carlson, Gaskey & Olds from the United States Patent and Trademark Office.

I have reviewed the Carlson, Gaskey & Olds docket and have found no entries for a Notice of Allowance for the above-referenced application. Thus, I believe that Carlson, Gaskey & Olds did not receive the Notice of Allowance for the above-referenced application.

Dated: December 11, 2008

  
Tracey Belanger

**APPENDIX A**

IPMaster (v1.6.1b) - [Patent 1 of 1]

Records Under Review

0 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99

Document Number: 67108-017  
 Country: United States  
 Case Type: Regular  
 Relation Type: Original Filing  
 Filing Type: National  
 Filing Number: 11/23/95

Attorney: David J. Gaskay  
 Attorney 2:  
 Client/Division: Lucent Technologies  
 Current Owner: Lucent Technologies  
 Attorney 3:  
 Clerk: 11/23/95

**FIRMWARE MANAGEMENT TOOL**

Invention: 67108-017  
 Related Patent: 67108-017  
 Y12: YES  
 Assigning Info: YES  
 E-4 send File: YES

Action	Due Date	Completed Date	Action Status
Info Disc. Statement	11/27/2003	11/27/2003	
One Year Status Check	8/27/2004	8/30/2004	
Status Check FollowUp	2/1/2005	3/23/2005	
Published	2/27/2005	3/3/2005	
Status Check FollowUp	9/29/2005	1/3/2007	
1st Office Action Mailed Date	1/3/2007	1/3/2007	
Response to 1st office action	4/3/2007	5/3/2007	
Final Rejection Mailed Date	6/4/2007	6/4/2007	
Notice of Appeal due	9/4/2007	9/4/2007	Pre-appeal brief
Notice of Appeal	9/4/2007	9/4/2007	
Panel Decision - Prosecution Reopened	10/19/2007	10/19/2007	
Second office action	12/21/2007	12/21/2007	
Response 2nd office action	3/21/2008	3/20/2008	
Notice of abandonment	11/19/2008	11/19/2008	
Abandonment	1/19/2009		

Created: 5/16/2003 Updated: 11/22/2008 1:11:12 PM By: JLG

IPMaster (v1.6.1b) - [Patent 1 of 1]  
 Personal Data 2008  
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## APPENDIX B

AttorneyAll	Action Due Da Action	Docket Number Country
David J. Gaskey	7/2/2008 Info Discl. Statement	67108-339 PUS US
David J. Gaskey	7/2/2008 Info Discl. Statement	60469-415 PUS US
David J. Gaskey	7/7/2008 Status Check Follow-Up	60469-143 PUS US
David J. Gaskey	8/3/2008 One Year Status Check	67108-297 PUS US
David J. Gaskey Matt L. Koziarz	8/7/2008 One Year Status Check	60469-160 PUS US
David J. Gaskey Matt L. Koziarz	8/7/2008 One Year Status Check	60469-158 PUS US
William S. Gottschalk David J. Gaske	9/1/2008 Rejection response due	67010-152 EPC
David J. Gaskey	9/1/2008 Status Check Extension	67108-361 PUS US
David J. Gaskey	9/1/2008 Status Check Extension	67108-362 PUS US
David J. Gaskey	9/1/2008 Status Check Extension	67108-355 PUS US
David J. Gaskey	9/1/2008 Status Check Extension	67108-349 PUS US
David J. Gaskey	9/1/2008 Status Check Extension	67108-365 PUS US
David J. Gaskey	9/1/2008 Status Check Extension	67108-369 PUS US
David J. Gaskey	9/1/2008 Status Check Extension	67108-370 PUS US
David J. Gaskey	9/13/2008 One Year Status Check	60469-206 PUS US
David J. Gaskey	9/18/2008 Notice Of Missing Parts	67108-328 PUS US
David J. Gaskey	9/30/2008 Info Discl. Statement	67108-328 PUS US
David J. Gaskey	10/1/2008 Status Check Extension	67108-372 PUS US
David J. Gaskey	10/11/2008 Info Discl. Statement	67063-035 PUS US
David J. Gaskey	10/12/2008 Notice Of Missing Parts	67180-002 PUS US
David J. Gaskey	10/18/2008 Notice of missing parts -	67108-328 PUS US
David J. Gaskey	10/22/2008 22 Mo. Demand Deadline	67108-294 PCT PCT
David J. Gaskey	10/23/2008 One Year Status Check	60469-225 PUS US
David J. Gaskey	10/24/2008 Notice of Appeal due	67108-359 PUS US
David J. Gaskey	10/29/2008 Response to Provoke Ad	67108-188 US
David J. Gaskey	10/29/2008 One Year Status Check	67183-009 PUS US
David J. Gaskey	10/29/2008 22 Mo. Demand Deadline	67108-355 PCT PCT
David J. Gaskey	10/29/2008 22 Mo. Demand Deadline	67108-349 PCT PCT

## APPENDIX C